



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none">• Invocation and Pledge of Allegiance• Presentations• Summary of Current Events• Liquor license applications• Consent Agenda | <ul style="list-style-type: none">• Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.• Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.• Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Kathleen Dunbar **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Fred Ronstadt **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:
Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.
VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, SEPTEMBER 13, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – President José P. Fierros, Los Reales (Spanish) Branch, The Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

PRESENTATIONS

- (a) Presentation by Council Member Scott regarding the Ward 4 Back to School Bash.
- (b) Recognition of Richard “Dick” McConnell, as an “Extraordinary Citizen”.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT13-04-486 CITY-WIDE

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

- (a) Report from City Manager SEPT13-04-487 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager SEPT13-04-482 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

New License(s)

- | | |
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| (1) TARGET #179
5255 E. Broadway Blvd.
Applicant: Robert J. Benton
City #046-04, Ward 6
Series #10
Action must be taken by: 9/23/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
| (2) JW MARRIOTT STARR PASS
RESORT & SPA
3800 Starr Pass Blvd.
Applicant: John W. Adams
City #048-04, Ward 1
Series #11
Action must be taken by: 9/23/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
| (3) ECKERD DRUGS #7841
4365 N. Oracle Road
Applicant: Jason B. Morris
City #049-04, Ward 3
Series #10
Action must be taken by: 9/27/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person/Location Transfer(s)

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| (4) ZONA 78 WOOD FIRED FOODS
78 W. River Road
Applicant: Thomas P. Firth
City #050-04, Ward 3
Series #7
Action must be taken by: 9/26/04 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Revenue: In Compliance |
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NOTE: For a person and location transfer, Mayor and Council may consider the applicant’s capability, qualifications, reliability and location issues.

(c) Special Event(s)

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| (1) | COMITE DE FESTIVIDADES MEXICANAS
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T065-04, Ward 1
Date of Event: 10/3/04
(Día de la Raza) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
| (2) | BALLET FOLKLORICO MEXICA
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City #T066-04, Ward 1
Date of Event: 10/10/04
(Anniversary Celebration) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
| (3) | SUN SOUNDS OF ARIZONA
3400 E. Camino Campestre
Applicant: Mitzi M. Tharin
City #T070-04, Ward 6
Date of Event: 9/25/04
(Fundraising) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Parks: In Compliance |
| (4) | TUCSON BOTANICAL GARDENS
2150 N. Alvernon Way
Applicant: Michelle G. Conklin
City #T071-04, Ward 6
Date of Event: 10/10/04
(Fundraising Event/Opening of Butterfly Exhibit) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |

PUBLIC OPINION: SUPPORT FILED

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| (5) | OUR LADY QUEEN OF ALL SAINTS
2915 E. 36th Street
Applicant: Albert P. Borboa
City #T075-04, Ward 5
Date of Event: 9/24/04
9/25/04
(Resource Programs for the poor) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: COST OF SERVICE – PROPOSED DEVELOPMENT IMPACT FEES FOR ROADS AND PARKS

- (a) Report from City Manager SEPT13-04-493 CITY-WIDE

Material for this item will be available on the City website and in the City Clerk's office as soon as it becomes available.

9. PUBLIC HEARING: TUCSON CODE AMENDING (CHAPTER 29) RELATING TO THE REGULATION OF DEVELOPMENTS NEAR LANDFILLS

- (a) Report from City Manager SEPT13-04-484 CITY-WIDE
- (b) Ordinance No. 10037 relating to development and environment; amending Chapter 29 Article IX of the Tucson Code, clarifying and revising the Landfill Ordinance and providing for penalties for non-compliance; and declaring an emergency.

10. ZONING: (C9-04-04) ELKS CLUB – RIVER ROAD SR TO R-3 AND O-2 ZONING, CHANGE OF CONDITIONS AND PRELIMINARY DEVELOPMENT PLAN

- (a) Report from City Manager SEPT13-04-485 W3
- (b) This is a request for a change of conditions and preliminary development plan to property located on the south side of River Road approximately one mile east of Campbell Avenue. Applicant: Megan Rutherford on behalf of the property owner, Elks Lodge #382. The original rezoning request allowed a maximum building height of 30 feet. This request would allow a maximum building height of 40 feet.

The City Manager recommends approval of the requested change of conditions subject to the attached recommended conditions.

Within the text of the recommended conditions, new text is underlined, deleted text is ~~strikethrough~~.

1. A development plan in substantial compliance with the preliminary development plan dated ~~May 27, 2004~~ July 28, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. Dedication, or verification of existence, of right-of-way on River Road per the *Major Streets and Routes Plan*, or as needed for improvements to River Road, Campbell Avenue to Alvernon Way per Pima County Department of Transportation. Required dedication shall not exceed 75.00 feet of width as measured from centerline of construction per plan to new property line.
3. The owner/developer shall reimburse the City of Tucson for expenses that may be required by Pima County Department of Transportation for the improvements to River Road from Campbell Avenue to Alvernon Way. The expenses for the improvements shall not exceed the proportionate share of improvements for half the right-of-way of River Road adjacent to the property based on \$270.00 per linear foot of this property's frontage.
4. The owner/developer shall install site-specific interim roadway and access improvements (acceleration/deceleration lanes, bike path), with appropriate tapers. If appropriate, this requirement will be waived by the City Engineer should River Road construction begin prior to or during development.
5. The developer shall submit for review a Category II Traffic Impact Analysis.
6. The developer shall co-ordinate with the Pima County Department of Transportation for the installation of the all right-of-way improvements.
7. There shall be one access point to the site from River Road with 25-foot radius curb returns at the access.
8. Within the office portion of the development, a minimum of five (5) 24 inch boxed canopy trees shall be planted on the east side of the parking lot (between the entrance drive and the parking lot). A minimum of one (1) 24 inch boxed canopy tree shall be planted an average of every 25 feet on the west property line.

9. Within the residential portion of the development, along all interior streets, streetscape landscaping shall include minimum 15 gallon canopy trees, located within the front yards of every other lot.
10. Dumpsters and loading zones shall be located a minimum of 50 feet from any on-site or off-site residential development or zone.
11. Interior local streets shall have five (5) foot wide sidewalks on both sides of the street.
12. During the subdivision platting process the developer shall revise the preliminary development plan to more evenly distribute visitor parking throughout the site.
13. A viewshed analysis incorporating photo simulations to scale shall be included to illustrate design compliance with existing nearby development and the Rillito River Park.
14. All building elevations shall be designed using four-sided architecture. Detailed elevations of all buildings constructed on the site shall be provided at the time of development plan review.
15. All outdoor lighting shall be full cut-off and directed down and away from residential units and be mounted no higher than 16 feet measured to the light source.
16. ~~Residential lots along the perimeter of the site shall be limited to the height of the existing or approved units on adjacent residentially zoned or used properties unless it can be demonstrated there is a minimum of 60 feet, and mature vegetation and/or a minimum of one 24 inch boxed canopy tree every 25 feet on average, or a minimum of 80 feet, between any proposed three story units and any adjacent residential development that is less than three stories.~~ Proposed buildings adjacent to existing residential development will match the adjacent structure heights unless there is an 80 foot separation between structures or a combination of 60 foot separation and mature landscaping or new landscaping consisting of 24-inch boxed canopy trees every 25 feet on average.
17. Recreation and open space areas shall include drought tolerant native canopy trees, ground cover, shrubs, decomposed granite, shaded seating areas, grills and active recreation features. A minimum of two ramadas shall be provided in the common recreation areas.

18. ~~Provide a landscaped six (6) to eight (8) foot wide meandering asphalt path connecting the internal pedestrian circulation system with the River Park via the 14 foot wide "flagpole" access in the southwest portion of the rezoning site.~~ The owner/developer shall construct a non-motorized, publicly-accessible trail within a landscaped trail corridor along the west side of the property. The trail shall extend from River Road to the Rillito River park. The corridor shall be a minimum of 20 ft wide except where it utilizes the 14 foot wide "flagpole" access in the southwest portion of the rezoning site. The design of the trail and landscaping shall be subject to approval by the City and County Parks Departments.
19. The owner/developer shall contribute \$20,000 to the development of the Rillito River Park.
20. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. Any continuous wall greater than 75 feet in length and 3 feet in height shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
21. Screen walls visible from the public right-of-way shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
22. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
23. "Safe by Design" concepts shall be incorporated in the subdivision plat/development plan for review by the Tucson Police Department.
24. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development will be at no expense to the public.
25. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

11. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager SEPT13-04-488 CITY-WIDE

12. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, September 20, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.